

**PRESENTATION TO THE SELECT STANDING COMMITTEE ON  
ABORIGINAL AFFAIRS**

*October 18, 2001*

**Don Bell**

**Mayor of the District of North Vancouver and  
Chair, Lower Mainland Treaty Advisory Committee**

---

Good morning, Chairman Les and Committee Members. Thank you for the opportunity to speak to you today.

By way of introduction, my name is Don Bell and I am the Mayor of the District of North Vancouver and Chairman of the Lower Mainland Treaty Advisory Committee, otherwise known as LMTAC. On behalf of the Lower Mainland Treaty Advisory Committee, I will present LMTAC's interest in treaty negotiations, our perspective on the BCTC process and considerations for a referendum.

I should begin by stating that LMTAC has been concerned about the referendum process since it was initially proposed by the Liberal Party, while in Opposition, and now as the Government. To this end we had a frank and in-depth discussion on July 26, 2000 with Michael de Jong, Liberal MLA and Aboriginal Affairs Critic. A copy of the minutes of that meeting are attached to this presentation. Given that the Government is committed to a referendum we are pleased to be here today to provide comments that we hope will be of assistance to you.

As an overview, LMTAC incorporates representatives from 23 municipalities and 3 regional districts, including the Greater Vancouver, Sunshine Coast, and the Squamish-Lillooet Regional Districts.

As with other Treaty Advisory Committees, LMTAC chooses Local Government representatives to sit at the various treaty tables in the region on behalf of the whole membership. LMTAC representatives act as advisors on community and Local Government issues to the provincial treaty negotiation team and provide input into negotiations with five area First Nations: Katzie, Musqueam, Squamish, Tsawwassen and Tsleil-Waututh. In addition, LMTAC provides support and guidance to Local Governments involved in the treaty process.

In 1993, the Memorandum of Understanding (MOU) signed between the Union of BC Municipalities and the then Ministry of Aboriginal Affairs created direct membership for Local Government on provincial treaty negotiating teams. This MOU essentially recognized that, in a post-treaty environment, when representatives from Ottawa and Victoria and the particular First Nation have completed their negotiations, it is our respective local communities and regional districts that must continue to live and work together with our aboriginal neighbours.

Since its formation under this MOU in 1993, LMTAC has operated without a formal mission statement to guide the actions of its membership. Rather, as a self-defining organization, LMTAC's mandate has evolved from day-to-day work directly within the treaty process. In recent years, LMTAC initiatives have become more diverse and the committee has taken on new roles and provided a service function to the membership that goes beyond what was outlined in the original MOU. As a result, the need for a defined LMTAC mission statement was identified.

In August 2001, a formal mission statement and set of priority roles were endorsed by the Full LMTAC membership that reflects LMTAC's broad range of roles in and outside of the treaty process. The new mission statement is as follows: LMTAC coordinates and represents the collective interests of local government, and through them their constituents, in defining and building relationships between First Nations and other orders of government.

However, while we are advisors to the provincial negotiating team, Local Governments are independent and accountable publicly elected bodies - as many of you are personally aware of. Similar to many First Nation leaders, Local Government elected officials have a very direct relationship with our constituents at the community level.

In fact, there are many misperceptions about the linkages between Local Governments and Aboriginal communities. The scope of these linkages varies from region to region and from province to province. However, Local Governments and First Nations share many important commonalities. And in light of a pending referendum, LMTAC believes that it is important to highlight, such commonalities that include, but are not limited to:

- shared broad community objectives, such as to maintain healthy populations, vibrant and dynamic economic systems, and sustainable and productive urban living environments.
- shared interests in creating employment and regional economic development opportunities for their constituents. Several case studies in Canada and the United States highlight the ability of Local Governments and First Nations to jointly pursue lucrative commercial and industrial enterprises.
- strong community ties and accessible representational structures. Civic officials and Aboriginal council members are the direct link to their constituents and often work within well established community-based forms of governance.

- shared need to work together in the post-treaty environment. It is at the local or community level that the day-to-day relationships between First Nations and other levels of government will take shape, particularly in the urban setting.

An increased level of recognition of these shared commonalities by a wider population will assist in the efficiency of treaty making.

I understand that you have received many presentations and written reports from around the province. Recognizing that each area you visit will have its own unique perspective on treaty making, so too do Local Governments that make up LMTAC. LMTAC is the largest TAC and represents BC's most urbanized and populated region -- the Lower Mainland. The Lower Mainland is currently home to approximately 2 million residents, and there are over 31,000 Aboriginal peoples living here both on and off-reserve.

Treaty negotiations involve a multitude of complex and competing, multi-party public policy issues, many of which are intensified by the interconnections between communities and organizations in the urban setting. Treaty-making in urban settings will need to account for and accommodate these realities.

There are numerous reasons why urban treaties will be distinct from rural agreements. The implementation of treaties in urban centres is complicated by several factors including:

- a complex network of existing government structures and management regimes
- numerous competing private interests
- unique economic development and land use considerations
- limited available Crown land for treaty settlements

- higher population densities
- an absence of past models to provide insight on how relationships with other governments may develop in the post-treaty urban environment.

In Canada, the United States, Australia and New Zealand – countries where there have been predominant ‘Aboriginal rights’ movements – there are few existing precedents that can be utilized to assess the socio-economic impacts of comprehensive urban treaty settlements or measure the impacts of Local Government participation in treaty implementation. The outcome of urban treaty negotiations may well have a more visible impact on both Aboriginal and non-Aboriginal communities than in rural areas.

Treaty-making is about creating new relationships between future self-governing First Nations and other levels of government as well as society at large. Many efforts are being made to give definition to this new relationship with land-based Aboriginal communities in the BC Treaty process. In particular, urban Local Governments have been actively working to advise senior governments on the unique interconnections between communities in the Lower Mainland, and how treaties need to recognize the challenges of urban negotiations. It should be clear by now that with respect to treaty-making in British Columbia, one size does not fit all. Hopefully, post-referendum actions will reflect this important reality.

During LMTAC’s 8 years as advisors to the provincial team, we have recognized that the issues being negotiated at the table are really the same kinds of issues that our members deal with on a regular basis. The experience of local government in dealing with these issues, which are usually complex and often sensitive, can assist First Nations in addressing these areas.

To address areas of interest to LMTAC we developed the key policy document, entitled the LMTAC Considerations Paper. This document is included in binder provided and is also publicly available on our web site.

The LMTAC Considerations Paper...

- is a detailed catalogue of social, economic and policy issues impacting communities. The paper catalogues substantive issues for Local Governments including topics such as: servicing, environmental management, agricultural protection, and post-treaty intergovernmental relationships.

The Considerations Paper also includes the LMTAC First Principles, which are:

- 39 statements that act as a framework to express broad local government interests on key treaty issues related to land, resources, governance and fiscal matters.

The development of this document began 1995 using an extensive, consensus-based process. As you can imagine, it is no easy feat for 26 individual jurisdictions to agree on one, let alone, 39 different principles for this complex process.

Based on our participation in Lower Mainland treaty negotiations and based on the interests articulated in the Considerations Paper, Local Governments believe that it is at the community level at which effectiveness and endurance of agreements will be tested.

In reference to relationship building at the community level, one project aimed at helping to help foster better relationships between First Nations and area Local Governments of which I am particularly proud is the Lower Mainland Community-to-Community Forum. This event was one of many successful forums held during the past year and sponsored throughout the province by the Union of BC Municipalities (UBCM). The Summary of Proceedings from this event is also provided in the binder and on our web site.

In September 2000, approximately 50 First Nation representatives and community officials and leaders collectively gathered for the first time in the Lower Mainland region to identify

common issues and develop co-operative solutions. Participants used this opportunity to talk and listen, and to take time to meet their fellow neighbours, both Aboriginal and non-Aboriginal. Our discussions at the Forum were guided by the following theme:

*Together, our communities touch the past, hear the present, and see the future, and that together, we seek to understand and respect our differences, identify current and common issues, and develop co-operative solutions.*

The Forum involved three co-hosts: the Tsleil-Waututh Nation (TWN), Lower Mainland Treaty Advisory Committee (LMTAC), and the Lower Mainland Municipal Association (LMMA) and was funded by the Union of BC Municipalities (UBCM). To foster informal and open discussion, no issue was off-limits.

The resulting discussion included such diverse topics as aboriginal title, capacity building, compatible community development, relationship building, and reconciliation.

The Community Forum provided a rare opportunity for participants to exchange candid views and discuss options for treaty and non-treaty approaches to issues of concern in the Province's most urbanized area.

Through dialogue and information sharing, we were once again reminded that Local Governments and First Nations share many important commonalities.

To further strengthen our shared interests, we agreed that we again needed to set out specific, measurable objectives that we can each work towards incrementally -- objectives which are defined and implemented not by Ottawa or Victoria, but by our respective communities.

We acknowledged that this was going to be the beginning of a long journey together as

neighbours, and that to make objective decisions about our collective future, we first need to have a strong relationship.

Since this Forum, LMTAC hosted a Governance Symposium in June 2001; this event enabled area First Nations, Local and Senior governments to discuss specific issues related to regional and intergovernmental linkages between First Nations and regional governments. Symposium participants developed a summary of considerations for a follow up session to be held in the future.

This forum process was initiated to create new relationships between Aboriginal and non-Aboriginal peoples in British Columbia. As the Provincial Government moves forward with a referendum, we must not forget this underlying goal when reaching out to the wider population for input.

Treaties pose extremely complex public-policy questions. As such, timely and comprehensive education of the public is crucial to building understanding and support for the treaty process, and for the community to community relationship-building process both pre- and post-treaty

The new Community Charter, which will replace the existing Local Government Act, will hopefully provide new opportunities for local government to assist First Nations such as promoting the development of new economic partnerships and in bringing about creative resolutions to shared issues. The Charter also proposes that the Provincial Government recognize local government as an “order of government”, which goes to the heart of local government’s primary frustration of not being at the treaty tables as a full participant.

We are aware that the FVTAC made a presentation to this committee yesterday. LMTAC would like to indicate our support for the key points in that presentation. For Example, we agree that the process needs increased transparency and that both senior governments could

improve the treaty process through better public understanding of and support for their mandates.

We must also ensure that all British Columbians, aboriginal and non-aboriginal, must have a reasonably comparable standard of living and housing. Treaties must promote First Nation self-sufficiency and economic stability. To achieve this senior governments must make provisions for appropriate funding during the post treaty transition period.

I would like, at this point, to draw your attention to a few of our LMTAC First Principles. These are included in the “Considerations Paper” which I have referred to previously and are included in your binder. I will refer to them by number to facilitate your reference to the documents.

The First Principle is:

- #3. “Treaties should uphold the principles of the Canadian Constitution and the Canadian Charter of Rights and Freedoms.”
- #23. “The protection of fish stocks is a primary concern, and the rights and responsibilities of all fishers engaged in native, commercial or recreational fishing should be given due consideration.”
- #24. “Treaties must recognize and respect the authority and jurisdiction of Federal, Provincial and Local Governments.”
- #26. “Aboriginal self-government should uphold the principles of democracy and accountability.”
- #27. “Treaties must uphold the principle of “no taxation without representation” for all persons residing on treaty settlement lands. Mechanisms need to be developed to ensure that all persons who are living on treaty settlement lands and who are paying taxes or levies to the First Nation have access and a voice in First Nation governance systems.”

These five principles I have referred to are not necessarily the most important of LMTAC's thirty-nine First Principles, but ones I wish to make reference to in the context of our support for the Fraser Valley Treaty Advisory Committee's presentation to you.

As I have outlined, LMTAC has a unique perspective on issues regarding the referendum process, its format and its potential outcomes. Some of these include:

- The continuing recognition of the important role Local Governments play in the Treaty Process
- The understanding that First Nations and Local Governments will be left to live with treaties after they signed.
- Local Government and First Nations share many important commonalities and, therefore, must maintain strong relationships
- Recognition of the uniqueness of the urban environment
- The importance of educating the population to build support and understanding of the issues dealt with in the Treaty Process

Chairman Les and Committee members, this concludes the LMTAC presentation. I would be happy respond to any questions that you may have regarding our presentation this morning. Thank you.